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McCARTER & ENGLISH, LLP

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Attorneys for Defendants

Physicians Health Services, Inc. and Physicians

Health Services of New Jersey, Inc.

BP-0040

FILED

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JUN 28 2002

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AT 8:30

WILLIAM T. WALSH
CLERK

AT 8:30

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CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ZEV WACHTEL and LINDA WACHTEL,
individually and on behalf of their minor
son TORY WACHTEL,

Plaintiffs,

vs.

GUARDIAN LIFE INSURANCE CO. OF
AMERICA, PHYSICIANS HEALTH
SERVICES, INC. AND PHYSICIANS
HEALTH SERVICES OF NEW JERSEY,
INC.

Defendants.

Civil Action No. 2:01-cv-4183 (FSH)

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

TO: Barry Epstein, Esq.
Sills Cummis Radin Tischman
Epstein & Gross, P.C.
One Riverfront Plaza
Newark, NJ 07102-5400

PLEASE TAKE NOTICE that on July 22, 2002, at 10:00 o'clock in the forenoon, or as soon thereafter as counsel may be heard, McCarter & English, LLP, attorneys for defendants Physicians Health Services, Inc. and Physicians Health Services of New Jersey, Inc. (collectively "PHS"), will move before the Honorable Faith S. Hochberg, in the United States District Court for

the District of New Jersey, United States Post Office & Courthouse Building, Room 369, Federal Square, Newark, New Jersey, 07101, for an Order of Summary Judgment pursuant to Federal Rule of Civil Procedure 56;

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the brief and affidavit filed in support of this Motion; and

PLEASE TAKE FURTHER NOTICE that we respectfully request oral argument.

McCARTER & ENGLISH, LLP
Attorneys for Defendants
Physicians Health Services, Inc.
and Physicians Health Services
of New Jersey, Inc.

By: 

B. John Pendleton, Jr.
A Member of the Firm

Dated: June 28, 2002

McCARTER & ENGLISH, LLP

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Defendants.

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CERTIFICATION OF SERVICE

STATE OF NEW JERSEY :

COUNTY OF ESSEX :

CHRISTINE L. HAUS, of full age hereby certifies as follows:

1. I am an associate with the law firm of McCarter & English, LLP, counsel for
defendants Physicians Health Services, Inc. and Physicians Health Services of New Jersey, Inc.
(collectively "PHS").

2. On June 28, 2002, I caused to have served upon the following party by hand delivery a copy of the Notice of Motion for Summary Judgment, supporting Brief and Affidavit, Statement of Material Facts, proposed form of Order and Certification of Service:

Barry Epstein, Esq.
Sills Cummis Radin Tischman
Epstein & Gross, P.C.
One Riverfront Plaza
Newark, NJ 07102-5400

3. On June 28, 2002, I caused to have served upon the following party by facsimile and regular mail a copy of the Notice of Motion for Summary Judgment, supporting Brief and Affidavit, Statement of Material Facts, proposed form of Order and Certification of Service:

Steven DelMauro, Esq.
Del Mauro, DiGiaino & Knepper, P.C.
8 Headquarters Plaza, North Tower
Morristown, NJ 07960

4. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


CHRISTINE L. HAUS

Dated: June 28, 2002